

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Conf. No. 1859

Pascal PERRIAT et al.

Art Unit: 1641

Application No.: 10/591,465

Examiner: Do, P. T.

Filed: 06/29/2007

Attorney Dkt. No.: 71247-0065

For: HYBRID NANOPARTICLES WITH  $\text{LN}_2\text{O}_3$  CORE AND CARRYING BIOLOGICAL LIGANDS, AND METHOD OF PREPARATION THEREOF (AS AMENDED)

**ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement of April 1, 2010, Applicants elect the Group I invention, claims 1-24 with traverse.

To support the restriction requirement, the Examiner cites the Bazzi article and combines it with United States Published Patent Application No. 2002/0006632 to Ponnampalam et al. (US) to allege that a single general inventive concept does not exist for the nanoparticles so that restriction between the unpatentable nanoparticles and the method of making is proper.

The Examiner has committed error in the reasoning used to allege that the nanoparticles are obvious and this error means that the restriction requirement has to be at least remade or withdrawn.

In the allegation that claim 1 is obvious, the Examiner admits that Bazzi does not teach a coating of polysiloxane around the nanoparticles and at least one biological ligand